IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

THURSDAY, THE 22ND NOVEMBER 2007 / 1ST AGRAHAYANA 1929

WP(C).No. 30433 of 2007(W)

PETITIONER:

J. CHANDRAN, S/O. JAMES,
AGED 42 YEARS, JAISON COTTAGE, CHITTATTUMUKKU,
KADINAMKULAM PANCHAYAT.

BY ADV. SRI.C.A.CHACKO
SMT.C.M.CHARISMA
SRI.N.A.SHAFEEK

RESPONDENTS:

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1. OMBUDSMAN FOR LOCAL SELF GOVERNMENT INSTITUTIONS, THIRUVANANTHAPURAM.

2. SECRETARY,
KADINAMKULAM GRAMA PANCHAYAT,
THIRUVANANTHAPURAM-695 588.

3. CIRCLE INSPECTOR OF POLICE,
KAZHAKKOOTTAM.

4. FRANCIS,
FATHIMA LANE, POTHUVAL PURAYIDAM,
PALLITHURA P.O., THIRUVANANTHAPURAM.

BY ADV. SRI.A.M.MUKTHAR
BY ADV. SRI.K.J.MOHAMMED ANZAR, SR. GOVT. PLEADER.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 22/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS C. KURIAKOSE, J.

W.P.(C) No. 30433 OF 2007

Dated this the 22nd day of November, 2007

JUDGMENT

Under challenge in this Writ Petition is Ext.P3 order passed by the Ombudsman for Local Self Government Institutions. Under Ext.P3 the Ombudsman noticed that the local authority had taken action against the petitioner, noticing that he was conducting business of refining of bones of animals without obtaining licence from the local authority resulting in considerable atmospheric pollution. Under Ext.P3 the Ombudsman directed the 3rd respondent, Circle Inspector of Police, to take effective action for closing down the business as requested by the local authority.

2. It is submitted on behalf of Sri.C.A.Chacko that the petitioner has already submitted an explanation to the show cause notice issued to him by the Panchayat. In that reply it has been stated that the parties are prepared to abide by whatever conditions the Panchayat may impose for issuing licence. Government Pleader on instructions from the Circle Inspector submits that pursuant to Ext.P3 and the request of the Panchayat, the Circle Inspector acted under Section 252 of the Panchayat Raj Act and enforced closure of the business of the petitioner. Thus, Ext.P3 has been implemented already.

Under these circumstances, I do not find any reason for setting aside Ext.P3. I dispose of the Writ Petition without granting the relief sought for. But, it is made clear that nothing stated in the judgment will stand in the way of the Panchayat entertaining any application for licence submitted by the petitioner for the further conduct of the business. If it is seen that all statutory requirements are complied with by the petitioner, the Panchayat will take an early decision on that application. At any rate, decision will be taken within three weeks of the petitioner satisfying the Panchayat that he has satisfied all statutory requirements for issuance of a licence for conduct of the business.

PIUS C. KURIAKOSE, JUDGE

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